

## IEU FEDERAL OFFICE RESPECTFUL WORKPLACE POLICY

The IEU Federal Office is committed to providing a healthy and safe workplace environment that is free of bullying, harassment, sexual harassment and discrimination.

The IEU Federal Office considers any form of harassment, bullying or violence in the workplace as unacceptable behaviour. The Federal Office acknowledges that such behaviour poses a risk to health and safety in the workplace and can result in major stress, illness, poor morale and reduced productivity. All incidents or allegations of bullying, harassment and discrimination will be treated seriously, confidentially and fairly with appropriate intervention and focus on resolution.

### SCOPE

This policy applies to all officials and employees within the IEU Federal Office.

### DEFINITIONS

**Workplace bullying** is defined as repeated, unreasonable behaviour directed towards a worker or a group of workers, that creates a risk to health and safety. It includes behaviour that intimidates, offends, degrades or humiliates a worker.

**Repeated behaviour** refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

**Unreasonable behaviour** means behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

The following behaviours are not defined as workplace bullying:

- Reasonable management action taken in a reasonable way
- Workplace conflict
- A single incident of unreasonable behaviour

While the second two dot points may not be regarded as bullying, they may have the potential to escalate and may require remedial action.

**Harassment** is any form of uninvited or unwelcome behaviour that intimidates, offends or humiliates another worker or group of workers and is based on a characteristic or circumstance.

**Sexual harassment** is unwanted or unwelcome sexual behaviour which makes a person feel offended, humiliated or intimidated.

Sexual harassment may include:

- Suggestive comments or jokes
- Insults or taunts of a sexual nature
- Intrusive questions or statements about your private life
- Displaying posters, magazines or screen savers of a sexual nature
- Sending sexually explicit emails or text messages
- Inappropriate advances on social networking sites
- Accessing sexually explicit internet sites
- Requests for sex or repeated unwanted requests to go out on dates or
- Engagement in other unwelcome conduct of a sexual nature in relation to another worker.

Importantly, the circumstances surrounding the incident/s would lead a reasonable person to anticipate the other person would be offended, humiliated or intimidated.

**Discrimination** occurs when a worker or a group of workers are treated less favourably because of a particular attribute than another workers or group of workers would be treated in the same or similar circumstance. It also occurs when a requirement or condition is imposed which seems fair yet unfairly disadvantages an individual or group of individuals.

## **IEU OBJECTIVES OF THIS POLICY**

- To create a working environment which is free from bullying, harassment and discrimination and where all workers are treated with dignity, courtesy and respect;
- To implement training and awareness raising strategies to ensure all IEU Federal staff are aware of their rights and responsibilities regarding this policy;
- To provide an effective procedure for making and resolving complaints based on the principles of natural justice;
- To treat all complaints in a sensitive, fair, timely and confidential manner;
- To provide protection from victimisation or reprisals;
- To promote appropriate standards of conduct.

## **RIGHTS**

Workers have the right to:

1. Be provided with support and information to allow them to deal with workplace bullying, harassment or discrimination
2. Tell a person to stop the offending behaviour (the worker may seek support before taking this step)
3. Lodge an allegation/complaint about alleged incidents (these can be verbal, informal reports, particularly in the first instance)
4. Lodge a formal written allegation/complaint
5. Prompt, fair and impartial management of their problems, concerns and allegations/complaints
6. Withdraw from the allegation/complaint at any stage (although the Union may continue to pursue serious matters and or/issues impacting on their Duty of Care).
7. Information on the progress of the allegation/complaint and any decisions that may affect them
8. Confidentiality
9. Seek appropriate external support and assistance if they are a victim of bullying, harassment or discrimination.

*The above does not preclude the right to refer the matter to the Fair Work Commission (FWC) or other relevant tribunals or authorities.*

The subject of the allegation has the right to:

1. Be informed of the nature of the allegation;
2. Respond to the allegation;
3. Prompt, fair and impartial management of the matter;
4. Be informed on the progress of the allegation/complaint and any decisions that may affect them;
5. Have the matter treated confidentially;
6. Seek appropriate external support and assistance;
7. Be advised and supported by a Union rep or other designated party;

*The above does not preclude the right to refer the matter to FWC or other relevant tribunals or authorities.*

### **The Role of the Contact Officer**

A Contact Officer shall be established and the position shall be reviewed from time to time. The primary role of the Contact Officer is to provide confidential advice to person(s) experiencing harassment and to provide general information to staff on the matter. The Contact Officer will not attempt to resolve matters or deal in any way with the alleged perpetrator. The Contact Officer may, if requested, accompany a complainant to interview in a supportive role.

Information provided to the Contact Officer by a complainant should not be passed on without the complainant's consent. Situations may arise, however, where the safety or well being of honorary officials or employees is at risk. In these circumstances the Federal Secretary has a responsibility to take action. The confidentiality of the complainant should be protected as far as possible. If the seriousness of the conduct means the Federal Secretary needs to be informed, the complainant should be advised.

The Federal Secretary shall ensure that the Contact officer will have the skills set necessary to undertake the role

### **MECHANISMS FOR RESOLVING CASES OF HARASSMENT**

Employees or honorary officials experiencing harassment should not tolerate or ignore the behaviour, or resign. Such actions do not resolve the problem. Should the harasser(s) not be confronted about their behaviour, they may continue harassing other people.

#### **Informal Mechanisms**

Informal measures may, in many instances, be an appropriate way to resolve cases of harassment for the following reasons:

- Situations may be resolved without an individual being labelled as a harasser. This is particularly important when the behaviour was unintentional. Harassment against an individual may often be stopped if the complainant makes it clearly known to the person concerned that he/she finds the behaviour inappropriate;
- The focus is on improving future working relationships by clarifying what is regarded as acceptable behaviour by all persons;
- The Federal Secretary can institute awareness or preventative measures throughout the work area without attributing blame. This is particularly important when the harassment is the result of group behaviour which hitherto has been regarded as acceptable but is now perceived by an individual to be harassment;
- Individuals concerned are able to take positive action themselves to correct or alter their behaviour.

#### **Personal Resolution**

Should a complainant wish to approach an alleged perpetrator, he/she may seek assistance from the Contact Officer

#### **Expression of Concern**

An expression of concern may be registered by an honorary official or employee who has observed inappropriate behaviour within the workplace but who is not personally involved. A concern of this nature may be made to the Contact Officer or directly to the Federal Secretary.

If the Federal Secretary is the subject of the concern the Contact Officer may approach the Federal President.

Even though a confidential expression of concern does not involve a formal complaint, the Federal Secretary or the Federal President nevertheless has a responsibility to take action to determine and resolve the situation. Such action may involve any or all of the following:

- Inform all employees of strategies and options available for dealing with harassment;
- Monitor and observe the behaviour of the employee(s) concerned;
- Discuss with staff members their comfort and the general atmosphere in the workplace; and
- Draw attention to the policy on harassment, at a meeting or in internal communication, highlighting both the rights and responsibilities of all honorary officials or employees.

### **Formal Mechanisms: Procedures for Lodging a Complaint of Harassment**

If the complainant does not wish to pursue informal mechanisms or if informal mechanisms have failed, a formal complaint may be initiated.

A formal complaint must be lodged in writing to the Federal Secretary or Federal President if the clause above is relevant

If the complaint is against the Federal Secretary a complaint may be lodged in writing to the Federal President who will nominate a person to conduct an investigation on his/her behalf.

The complainant may seek the support of the Contact Officer both in the formulation of a complaint and in accompanying the complainant to any subsequent interview.

In formulating a complaint, the behaviour must be described and the steps that have already been taken to address the problem should be outlined. It should be made clear that official action is expected and the kind of action and/or outcome expected by the complainant.

### **Procedures for Resolving a Formal Complaint of Harassment**

On receipt of a complaint, the Federal Secretary or the Federal President's nominee must respond and attempt to reach a resolution in the first instance at the local level.

Should the matter constitute misconduct on the part of an honorary official or employee, or possible criminal proceedings, the investigating officer/s must immediately inform the Federal Secretary or the Federal President and thence Federal Executive.

This stage in the resolution process should take no longer than five (5) working days unless otherwise agreed and should include the following action:

- an interview with the complainant;
- an interview with any witnesses named by the complainant, where appropriate;
- an interview with the respondent.

Confidentiality must be maintained at each step of this process and staff should be reminded of the need for confidentiality.

In interviewing the complainant, it is important that the investigating officer/s:

- listen attentively;
- treat the complaint seriously; and
- assure the complainant of the appropriateness of bringing the matter to notice.

The Federal Secretary or the Federal President's nominee shall as soon as possible interview the person against whom the complaint has been made. That person must be advised that he/she may have present at the time of interview someone of his or her choosing (a supportive staff member or union official) who will act as an observer during the proceedings.

The complaint must be explained in detail and any action or outcomes suggested by the complainant must be stated. The person who is subject of the complaint should be approached in a non-judgemental way and be invited to respond to all allegations.

Witnesses should be provided with information as to why they are being questioned and guaranteed confidentiality as far as is practicable.

The timing of such interview should take into consideration the need to ensure that the complainant and/or witnesses are not inhibited in providing information or subjected to intimidatory action by the alleged perpetrator.

To enable the accused person to respond to the allegations it is essential that the incidents being complained about are detailed including the circumstances and the name of the complainant and any witnesses if relevant.

Every attempt should be made by the person investigating the complaint to negotiate a satisfactory resolution between the complainant and the alleged offender. The resolution must also include action required to ensure that no further harassment will occur involving either the original complainant or any other honorary official or employee.

If a resolution is negotiated that is satisfactory to both parties the matter is closed. Follow-up action or counselling may be provided if appropriate.

If a complainant is dissatisfied with the outcome of a complaint in the workplace, he/she may lodge a written complaint to the Federal President and thence Federal Executive.

The Federal President of IEU, on receipt of the written complaint shall inform the Federal Executive and on behalf of the Executive shall:

- provide the person against whom the complaint has been made an opportunity to provide a written statement;
- seek from the person responsible for the initial investigation a report of action to date, details of interviews and other relevant documentation; and
- resolve the complaint in a manner considered to be appropriate in the circumstances and as expeditiously as possible.

#### **LEGISLATION AND RESOURCES**

- Sex Discrimination Act 1984 (Cwth)
- Racial Discrimination Act 1975 (Cwth)
- Disability Discrimination Act 1992 (Cwth)
- Work Health and Safety Act 2011

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